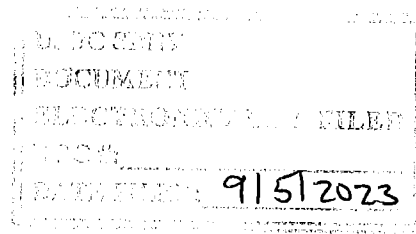


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHAD S. JOHNSON,
Plaintiff,

v.

SERGEANT S. PETRIE, CORRECTION
OFFICER D. ALLEN, and CORRECTION
OFFICER MASON HAMILTON,
Defendants.
-----X



ORDER

21 CV 986 (VB)

Copies Mailed/Faxcd 2c 9/5/23
Chambers of Vincent L. Briccetti

On April 24, 2023, defendants filed a motion for summary judgment (Doc. #67), a Local Rule 56.2 Notice to Pro Se Litigant Who Opposes a Motion for Summary Judgment (Doc. #68), and a certificate of service indicating defense counsel served plaintiff, proceeding pro se and in forma pauperis, with the motion and supporting papers by first class mail at the address on the docket. (Doc. #75). The Notice warned plaintiff that his claims could be dismissed without a trial if he did not timely respond to the motion.

By Order dated March 30, 2023, the Court directed plaintiff to file his response to the motion by June 7, 2023. (Doc. #66).

By Order dated June 15, 2023, the Court stated plaintiff had not responded to the motion and sua sponte extended, to July 14, 2023, plaintiff's deadline to respond to the motion. (Doc. #76). The Court also warned plaintiff that if he failed to respond to defendants' motion by July 14, 2023, the Court would deem the motion fully submitted and unopposed, and decide the motion in due course.

By Order dated July 24, 2023, the Court stated plaintiff still had not responded to the motion and sua sponte extended, to August 21, 2023, plaintiff's deadline to respond to the motion. (Doc. #77). The Court warned plaintiff that no further extensions would be granted and again warned plaintiff that if he failed to respond to defendants' motion by August 21, 2023, the Court would deem the motion fully submitted and unopposed, and decide the motion in due course.

To date, plaintiff has not responded to defendants' motion. Accordingly, the Court deems defendants' motion for summary judgment fully submitted and will decide it in due course.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

Dated: September 5, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge